

**DISCUSSION OF THE AMENDMENTS**

Claims 1-3, 5-11, 13, 17 and 18 are currently amended.

Claims 12 and 14-16 were previously presented.

Claim 4 is cancelled without prejudice or disclaimer.

Upon entry of the amendment claims 1-3 and 6-18 will be active.

The amendment to claim 1 is supported by claim 4 as previously presented.

Claims 2, 3, 5-11, 13, 17 and 18 were amended to correct typographical errors and to depend from claim 1.

No new matter has been added.

### **REMARKS**

The Office has rejected claims 1, 2, 4, 5 and 6 under 35 U.S.C. §102(b) over Sato et al. (U.S. Patent No. 4,963,639), claims 1, 2, 4, 5 and 6 under 35 U.S.C. §102(b) over Melchioris et al. (U.S. Publication No. 2002/0165334), claim 3 under 35 U.S.C. §103(a) over Sato, claims 7-9 under 35 U.S.C. §103(a) over the combination of Sato and Brubaker (U.S. Patent No. 2,264,293), claims 1, 3, 7, 9, 10, 11, 13 and 14 under 35 U.S.C. §103(a) over Brubaker, claims 1, 2, 3, 5, 8, 11 and 12 under 35 U.S.C. §102(b) over Marrion (U.S. Patent No. 5,278,249) and claims 1, 2, 3, 5, 7, 11-15, 17 and 18 under 35 U.S.C. §102(b) over Shinonome et al. (U.S. Patent No. 4,617,235).

The disclosure relates to a polyamide containing a compound which includes at least one hydroxyl group and has chemical bonding by way of an amide group to the end of the polymer chain. The compound which includes at least one hydroxyl group is a linear, unbranched alkanecarboxylic acid which includes at least one hydroxyl group. The compound which includes at least one hydroxyl group is present in the range from 0.001 to 2 mol%, based on 1 mole of amide groups of the polyamide. None of the cited references teach or suggest the claimed content of the compound which includes at least one hydroxyl group in the polyamide. Accordingly, the claims would not have been rendered unpatentable under 35 U.S.C. §102(b) or 35 U.S.C. §103(a) over the cited references.

Sato describes a radiation curable resin composition which consists of a urethane (meth)acrylate. The urethane (meth)acrylate is obtained by reaction of a hydroxyl-containing compound composed in part of an amide hydroxyl compound (abstract) with other components. The amide hydroxyl compounds can be polyamide polyols made from a polyamide and a hydroxyl-containing carboxylic acid (column 5, lines 12-17). The Office concludes that the hydroxyl-terminated polyamide “should meet the limitations of claims 4 and 6” (page 2 of the Office Action). However, Sato does not teach or suggest a polyamide comprising a compound which includes at least one hydroxyl group which is present in the range from 0.001 to 2 mol% based on 1 mole of amide groups of the polyamide.

Because Sato does not teach from or suggest all the recitations of the claimed polyamide, the claimed polyamide would not have been anticipated or obvious over Sato. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 4, 5 and 6 under 35 U.S.C. §102(b) and the rejection of claim 3 under 35 U.S.C. §103(a) over Sato.

Melchior describes waterborne coating composition containing a polyol having urethane groups which may include a polyamide polyol (paragraph [0023]). However, Melchior, like Sato, does not teach or suggest all the recitations of the claimed polyamide, and therefore, the claimed polyamide would not have been rendered unpatentable over Melchior. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 4, 5 and 6 under 35 U.S.C. §102(b) over Melchior.

Brubaker describes polyamides which are formed from polyamides and hydroxyl amines (page 1, second column, lines 13-20). Like Sato, Brubaker does not teach or suggest a compound which includes at least one hydroxyl group which is a linear unbranched alkanecarboxylic acid which includes at least one terminal hydroxy group and where the at least one hydroxy group is present in the range from 0.001 to 2 mol% based on 1 mole of amide groups of the polyamide. Accordingly, the claimed polyamide would not have been obvious over the combination of Sato and Brubaker. Accordingly, Applicants respectfully request that the Office withdraw the rejection of claims 7-9 under 35 U.S.C. §103(a) over Sato and Brubaker.

In addition, for the reasons above, Applicants respectfully request that the Office withdraw the rejection of claims 1, 3, 7, 9, 10, 11, 13 and 14 under 35 U.S.C. §103(a) over Brubaker.

The rejection of claims 1, 2, 3, 5, 8, 11, 12 under 35 U.S.C. §102(b) over Marrion and claims 1, 2, 3, 5, 7, 11-15, 17 and 18 under 35 U.S.C. §102(b) over Shinonome is respectfully traversed. Neither Marrion or Shinonome teach or suggest all the recitations of the claimed polyamide. Therefore, the claimed polyamide would not have been rendered unpatentable over these references, and accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. §102(b) over Shinonome and Marrion.

In light of the remarks above, Applicants submit that the application is in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00072-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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